

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

1:17-cr-00176-NLH-1

v.

ORDER TO SHOW CAUSE

ANDRES AYALA

MARIA D.C. ALBINO,

1:17-cv-02590-NLH

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

WHEREAS, two paragraphs (§§ 66, 67) in the Final Presentence Investigation Report in United States v. Andres Ayala, 1:17-cr-00176-NLH-1, prepared on September 14, 2017, may be relevant to a separate civil matter pending before this Court Maria D.C. Albino v. Commissioner of Social Security, 1:17-cv-02590-NLH; and

WHEREAS, an opinion offered by Ayala, an employee of Nueva Vida Behavioral Health, and his medical experience and expertise are issues relevant in the Albino matter which concerns an appeal of a denial of social security benefits, and it appearing

to the Court that the parties may be misinformed about Ayala's credentials, information about which is contained in ¶¶ 66 and 67 of his Final Presentence Investigation Report; and

WHEREAS, the information contained in ¶¶ 66 and 67 of the Final Presentence Investigation Report is known to the Court but, in light of the briefing to the Court thus far, is apparently not known to the parties in the Albino matter; and

WHEREAS, Final Presentence Investigation Reports are not public documents unless ordered released by the Court; and

WHEREAS, the parties in the civil matter should also be aware that Lyda Monte of Nueva Vida Behavioral Health, whose name appears in the record of the Albino civil matter, has entered a guilty plea to making false statements relating to health care matters and is awaiting sentencing on November 16, 2018 before this Court, see United States v. Lyda Monte, 1:18-cr-00287-NLH-1;

THEREFORE,

IT IS on this 31st day of October, 2018

ORDERED that the parties in the criminal matter United States v. Andres Ayala, 1:17-cr-00176-NLH-1, shall show cause within 15 days of this Order as to why ¶¶ 66 and 67 in Ayala's Final Presentence Investigation Report should not be disclosed to the parties in the civil matter, Maria D.C. Albino v. Commissioner of Social Security, 1:17-cv-02590-NLH, for the

purpose of determining whether any additional briefing is required before the Court's final adjudication of the Albino appeal.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.